REMARKS

Claims 1-10 and 14-20 are pending in this application. By this Amendment, claims 1-10 and 14-20 have been amended. New claims 34-36 have been added. All amendments made to the claims are supported by the specification as originally filed. No new matter has been added. The Applicants do not disclaim any equivalent of any limitation of any claim.

Rejection Under 35 U.S.C. §101:

In Section 3 of the Office Action, the Examiner rejected claims 1-10 and 14-20 under 35 U.S.C. §101 and stated that the claimed invention is directed to non-statutory subject matter. However, the Examiner developed the argument for the rejection only as to claims 1-10, 14-16, and 18-20. Based on this observation, the Applicants took the position that claim 17 is rejected by mistake and is not subject to the 101 rejection.

Regarding rejections of claims 1-10, 14-16, and 18-20, the Applicants respectfully traverse the rejections. The amended independent claims 1, 14, and 18 recite "automatically classifying" a prospective insured to a risk class based on responses from the prospective insured to at least one subjective question posted to the prospective insured. This feature corresponds to a transformation from "data" (a response) to a "different state or thing" (risk class). A risk classification is an output of an automated classification and this output is a tangible result because it indicates an estimated status of the prospective insured with respect to risk classes.

The Applicants respectfully point out that there is nothing abstract or intangible about at least the claimed step of "automatically classifying", which produces a tangible result to be used in a practical application. No one's mind does any classifying "automatically," as required by the claims. The claims as a whole cannot be performed mentally. Thus, the amended claims 1, 14, and

18 are directed to statutorily patentable subject matter under 35 U.S.C. §101. Applicants respectfully request that rejections of claims 1, 14, and 18 under 35 U.S.C. §101 be withdrawn.

Claims 2-10, 15-16, and 19-20 depend from independent claims 1, 14, and 18, respectively. Claims 2-10, 15-16, and 19-20 are directed to statutory subject matter for at least the same reasons with respect to claims 1, 14, and 18, respectively. Therefore, claims 2-10, 15-16, and 19-20 are patentable. The Applicants respectfully request that rejections of claims 2-10, 15-16, and 19-20 under 35 U.S.C. §101 be withdrawn.

The added new claims 34-36 depend from claims 1, 14, and 18, respectively, and recite the additional feature that the claimed process is machine implemented. Thus, for at least the same reasons discussed above with respect to claims 1, 14, and 18 and for the additional feature of "machine implemented" recited therein, claims 34-36 are directed to statutorily patentable subject matter.

Rejection Under 35 U.S.C. §103:

In Section 5 of the Office Action, the Examiner rejected claims 1-10 and 14-20 under 35 U.S.C. §103(a) as being unpatentable over Gice in view of DeTorre et al. (U.S. Patent No. 4,975,840). The Applicants respectfully traverse the rejections.

The amended claims 1, 14, and 18 recite "providing to the perspective insured at least one subjective question relating to self perception of the prospective insured; obtaining a response to the at least one subjective question from the prospective insured; ... automatically classifying the prospective insured to a risk class based at least in part on the response/personality trait data ...". (for support, please see paragraphs 32 and 50 in specification of the present application). The present disclosure teaches the use of responses to subjective questions related to self-perception posed to a prospective insured as an input to a risk classification process to automatically assign

the prospective insured into a risk class relating to automobile, malpractice, an/or worker's compensation insurances. The Applicants respectfully point out that neither Gice nor DeTorre et al., either individually or in combination, teaches this feature, as recited in claims 1, 14, and 18.

Gice discusses researches and conclusions thereof regarding relationships between personality traits and accident proneness. Personality traits, as Gice uses the term, are objective information about a prospective insured. Objective information corresponds to information that can be measured or assessed independently of the insured (e.g., by a third party). For example, a diagnosis of a disease is objective information. A mental disorder also constitutes objective information. Personality traits of an insured, as defined by Gice, are provided as an objective measure evaluated by a third party such as a psychology professional and such an objective measurement is used to assess the correlation between certain personality traits and accident proneness. DeTorre et al. similarly uses objective information relating to an insured, such as medical diagnosis of a certain disease, for insurance underwriting purposes.

On the other hand, the present uses non-objective or subjective or self-perception information as its basis to perform risk classification. For example, objective assessment of personality traits of an insured is irrelevant. Thus, Gice does not teach use of self-perception information from a prospective insured.

As the Examiner correctly pointed out, Gice does not teach "automatically classifying the prospective insured into a risk class based at least in part on the response" to the at least one subjective question, as recited in claim 1. In addition, Gice does not teach "automatically classifying the prospective insured to a risk class based at least in part on the personality trait data derived from the response" to the at least one subjective question, as recited in claims 14 and 18. There is no evidence in Gice that suggests that Gice motivates the use of subjective information. Without such a motivation, no prima facie case of obviousness can be established.

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Furthermore, even if Gice is combined with DeTorre et al., the combination does not remedy the deficiencies of Gice because DeTorre et al. does not use subjective information in risk classification, as recited in claims 1, 14, and 18. That is, no prima facie case of obviousness can be established. Therefore, claims 1, 14, and 18 are not obvious over Gice in view of DeTorre et al. The Applicants respectfully request that rejections of claims 1, 14, and 18 under 35 U.S.C. §103(a) be withdrawn.

Claims 2-10, 15-16, and 19-20 depend from claims 1, 14, and 18, respectively. Claims 2-10, 15-16, and 19-20 are not obvious over Gice in view of DeTorre et al. for at least the same reasons as discussed with respect to claims 1, 14, and 18 and for additional features recited therein. Therefore, the Applicants respectfully request that rejections of claims 2-10, 15-16, and 19-20 under 35 U.S.C. §103(a) be withdrawn.

The newly added claim 34 depends multiply from claims 1, 14, and 18 and recites the additional feature that the claimed process is machine implemented. For at least the same reasons discussed above with respect to claims 1, 14, and 18 and for the additional feature recited therein, claim 34 is not obvious over Gice in view of DeTorre et al.
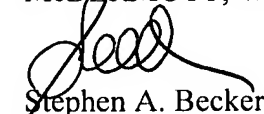
The Applicants believe that the amended claims are in condition for allowance. The Applicants respectfully request the Examiner's favorable consideration as to allowance. The Examiner is invited to contact the Applicants' representative listed below.

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To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 500417 and please credit any excess fees to such deposit account.

Respectfully submitted,

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